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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/248,294	02/11/1999	HARLAN SEXTON	50277-179	8597

7590

03/30/2004

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EXAMINER

ZHEN, LI B

ART UNIT	PAPER NUMBER
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2126

21

DATE MAILED: 03/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/248,294

Applicant(s)

SEXTON ET AL.

Examiner

Li B. Zhen

Art Unit

2126

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1 – 26 are pending in the application.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

3. Claims 1 – 26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 9 and 14 of U.S. Patent No. 6499095 (hereinafter Sexton95).

As to claims 5 and 15, Sexton95 teaches storing a first object and a second object in a memory [maintaining a plurality of objects and references between the objects as numeric references in a virtual memory; claim 1, lines 4 – 6], wherein the first and second object do not overlap each other [storing...the objects...in a secondary storage; claim 1, lines 10 – 12], and storing reference in the memory as numeric reference [numeric reference; claim 1, line 6] that encodes a location of the second object as an offset [integer offset; claim 1, lines 7] from an address of the first object in

the memory [offset from a virtual address; claim 1, line 7]. Although, Sexton95 does not specifically storing the numeric reference in the first object, it would have been obvious to a person of ordinary skilled in the art at the time of the invention to store the numeric reference in the first object because this allows the first object to locate the numeric reference without further processing such as searching another location for the numeric reference.

As to claims 1 and 11, Sexton95 teaches generating a first machine pointer to a first object referenced by a second object [dereferencing one of the numeric references; claim 14, line 10], fetching a tagged numeric reference [claim 9] stored within the second object based on a second tagged machine pointer that points to the second object [one of the numeric references to a machine pointer holding an address of a beginning of an object containing the one of the numeric references; claim 14, lines 10 – 14], and generating the first machine pointer as a sum including the numeric reference and the second machine pointer [dereferencing one of the numeric references by adding an offset contained within the one of the numeric references to a machine pointer holding an address of a beginning of an object containing the one of the numeric references; claim 14, lines 10 – 14].

4. Claims 1 – 26 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 8 and 9 of U.S. Patent No. 6,434,685 (hereinafter Sexton85).

As to claims 5 and 15, Sexton85 teaches storing a first object and a second object in a memory [claim 8, lines 1 – 6], wherein the first and second object do not overlap each other [claim 8, lines 4 – 6], and storing reference in the memory as numeric reference [page-offset numeric reference; claim 8, line 1] that encodes a location of the second object as an offset [page-offset; claim 8, lines 1] from an address of the first object in the memory [claim 8, lines 6 - 15]. Although, Sexton85 does not specifically storing the numeric reference in the first object, it would have been obvious to a person of ordinarily skilled in the art at the time of the invention to store the numeric reference in the first object because this allows the first object to locate the numeric reference without further processing such as searching another location for the numeric reference.

As to claims 1 and 11, Sexton85 teaches generating a first machine pointer to a first object referenced by a second object [claim 8, line 1 – 2], fetching a tagged numeric reference [claim 9, lines 1 – 4] stored within the second object based on a second tagged machine pointer that points to the second object [claim 8, lines 3 – 6] and generating the first machine pointer as a sum including the numeric reference and the second machine pointer [claim 8, lines 7 – 15].

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Li B. Zhen whose telephone number is (703) 305-3406. The examiner can normally be reached on Mon - Fri, 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703) 305-9678. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Li B. Zhen
Examiner
Art Unit 2126

lbz
March 25, 2004


MENG-AI T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100